

1 Rule 14-802. Authorization to practice law.

2 (a) Except as set forth in subsection (c) of this rule, only persons who are active,  
3 licensed members of the Bar in good standing may engage in the practice of law in  
4 Utah.

5 (b) For purposes of this rule:

6 (b)(1) The “practice of law” is the representation of the interests of another person by  
7 informing, counseling, advising, assisting, advocating for or drafting documents for that  
8 person through application of the law and associated legal principles to that person’s  
9 facts and circumstances.

10 (b)(2) The “law” is the collective body of declarations by governmental authorities  
11 that establish a person’s rights, duties, constraints and freedoms and consists primarily  
12 of:

13 (b)(2)(A) constitutional provisions, treaties, statutes, ordinances, rules, regulations  
14 and similarly enacted declarations; and

15 (b)(2)(B) decisions, orders and deliberations of adjudicative, legislative and  
16 executive bodies of government that have authority to interpret, prescribe and  
17 determine a person’s rights, duties, constraints and freedoms.

18 (b)(3) “Person” includes the plural as well as the singular and legal entities as well as  
19 natural persons.

20 (c) Whether or not it constitutes the practice of law, the following activity by a non-  
21 lawyer, who is not otherwise claiming to be a lawyer or to be able to practice law, is  
22 permitted:

23 (c)(1) Making legal forms available to the general public, whether by sale or  
24 otherwise, or publishing legal self-help information by print or electronic media.

25 (c)(2) Providing general legal information, opinions or recommendations about  
26 possible legal rights, remedies, defenses, procedures, options or strategies, but not  
27 specific advice related to another person’s facts or circumstances.

28 (c)(3) Providing clerical assistance to another to complete a form provided by a court  
29 ~~for protection from harassment or domestic violence or abuse~~ when no fee is charged to  
30 do so.

(c)(4) When expressly permitted by the court after having found it clearly to be in the best interests of the child or ward, assisting one's minor child or ward in a juvenile court proceeding.

(c)(5) Representing a natural person in small claims court without compensation and upon the express approval of the court or representing a legal entity as an employee representative in small claims court.

(c)(6) Representing without compensation a natural person or representing a legal entity as an employee representative of that entity in an arbitration proceeding, where the amount in controversy does not exceed the jurisdictional limit of the small claims court set by the Utah Legislature.

(c)(7) Representing a party in any mediation proceeding.

(c)(8) Acting as a representative before administrative tribunals or agencies as authorized by tribunal or agency rule or practice.

(c)(9) Serving in a neutral capacity as a mediator, arbitrator or conciliator.

(c)(10) Participating in labor negotiations, arbitrations or conciliations arising under collective bargaining rights or agreements or as otherwise allowed by law.

(c)(11) Lobbying governmental bodies as an agent or representative of others.

(c)(12) Advising or preparing documents for others in the following described circumstances and by the following described persons:

(c)(12)(A) a real estate agent or broker licensed by the state of Utah may complete State-approved forms including sales and associated contracts directly related to the sale of real estate and personal property for their customers.

(c)(12)(B) an abstractor or title insurance agent licensed by the state of Utah may issue real estate title opinions and title reports and prepare deeds for customers.

(c)(12)(C) financial institutions and securities brokers and dealers licensed by Utah may inform customers with respect to their options for titles of securities, bank accounts, annuities and other investments.

(c)(12)(D) insurance companies and agents licensed by the state of Utah may recommend coverage, inform customers with respect to their options for titling of ownership of insurance and annuity contracts, the naming of beneficiaries, and the adjustment of claims under the company's insurance coverage outside of litigation.

62       (c)(12)(E) health care providers may provide clerical assistance to patients in  
63 completing and executing durable powers of attorney for health care and natural death  
64 declarations when no fee is charged to do so.

65       (c)(12)(F) Certified Public Accountants, enrolled IRS agents, public accountants,  
66 public bookkeepers, and tax preparers may prepare tax returns.